

Office of the Chapter 13 Standing Trustee

Andrew B. Finberg, Chapter 13 Standing Trustee

*Joni L. Gray, Counsel
Jennifer R. Gorchow, Staff Attorney
William H. Clunn, III, Staff Attorney*

Lu'Shell K. Alexander
Jennie P. Archer*
Kelleen E. Stanley*
Kimberly A. Talley*
Certified Bankruptcy Assistant

January 31, 2025

The Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court
P.O. Box 2067
Camden, New Jersey 08102

RE: Chapter 13 Bankruptcy
Debtor(s) Name: Michael A. Rafine
Case No: 24-12789 JNP

Dear Judge Poslusny:

Please accept this letter in lieu of a more formal objection to the Application for Compensation filed by Stacey L. Mullen, Esquire, in the above-referenced bankruptcy matter. The Trustee requests a hearing be set on this matter.

The Disclosure of Chapter 13 Debtor's Attorney Compensation in Debtor's case states that pursuant to 11 U.S.C. § 329(a), Fed. R. Bankr. P.2016(b), and under D.N.J. LBR 2016-5(b) Counsel "agreed to accept for **all legal services required to confirm a plan (Emphasis added)**... including administrative services that may occur post-confirmation, a flat fee in the amount of \$4,750." Counsel certified that he understood that in the event additional services are performed and he seeks additional compensation, he must demonstrate the services were unforeseeable at the time of filing his disclosure statement.

Counsel now comes before the Court on an Application for Compensation requesting fees in the amount of \$700. These fees and costs are in addition to the "flat fee" of \$4,750. Counsel is billing a total amount 1.2 hours at \$250.00 per hour for pre-confirmation services rendered on May 23, 2024, for "Phone call with clients to discuss amend schedules. Obtain income proof. Amend Schedules. File all amended Schedules."

It is the Trustee's opinion that a phone call with clients to discuss amended schedules, obtaining proof of income, amending and filing amended Schedules falls under the "flat fee" of \$4,750.

Counsel also has not complied with 11 U.S.C. § 329(a) and Fed. R. Bankr. P.2016(b) and has not demonstrated how the additional services of reviewing, opposing, and settling a Motion for Relief was unforeseeable and why it should be subject to supplemental counsel fees.

Based on the foregoing, the Trustee requests that the Application for Compensation be

reduced by \$300.00.

Respectfully submitted,

**OFFICE OF THE CHAPTER 13
STANDING TRUSTEE**

/s/ Andrew B. Finberg

Andrew B. Finberg,
Chapter 13 Standing Trustee

ABF:lka

c: Stacey L. Mullen, Esquire (Debtor(s) Attorney) (via Electronic Case Filing / ECF)
Michael A. Rafine (Debtor) (via First Class Mail)